

**PARENTS' RIGHTS:
Understanding the
Procedural Safeguards
Notice**

February 27, 2009

**Pennsylvania's Commitment to
Least Restrictive Environment (LRE)**

Recognizing that the placement decision is an Individualized Education Program (IEP) team decision, our goal for each child is to ensure IEP teams begin with the general education setting with the use of Supplementary Aids and Services before considering a more restrictive environment.

Agenda

- Procedural Safeguards Notice
- Introduce the “Companion Piece” to the Procedural Safeguards Notice
- Purpose of Publication
- Review of Publication
- Script and PSN Letter
- How to Use the Publication
- Q & A

Learner Outcomes

Participants will be able to:

- Understand the purpose and content of the PSN and the “companion piece”
- Be familiar with the script and PSN letter
- Be able to explain when and how to use the publication
- Know where to find the publication on the PaTTAN website

Procedural Safeguards Notice (PSN)

- Purpose of PSN:
 - **To fully explain the procedural safeguards (rights) provided by the Individuals with Disabilities Education Act (IDEA) 2004**
 - PSN must be:
 1. Written in language understandable to the general public; **and**
 2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.
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Procedural Safeguards Notice (PSN)

- PSN must be:
 3. Given:
 - **At least once per year but also must be provided:**
 - Upon initial referral for evaluation
 - Upon parent's request for evaluation
 - Upon receipt of the first occurrence of the filing of a request for due process; and
 - Upon request by a parent
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Introduction of the Parents' Rights Publication

- Handout #1

PARENTS' RIGHTS: Understanding the Procedural Safeguards Notice

Purpose of the Parents' Rights Publication

To make available a parent-friendly *summary* of the Procedural Safeguards Notice (PSN) to parents and educators in a simplified language while maintaining the legality and fidelity of the PSN.

Collaborators in this Endeavor

- Pennsylvania Department of Education (PDE)
 - Parent Education Network (PEN)
 - Pennsylvania Education and Advocacy Leadership (PEAL) Center
 - Hispanics United for Exceptional Children (HUNE, Inc.)
 - Education Law Center
 - Disability Rights Network of PA (DRN)
 - Pennsylvania Training and Technical Assistance Network (PaTTAN)
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Introduction

- Rights of parents of children with special education services
 - When PSN is to be given
 - Resources to help parents navigate the PSN
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Parents Have Rights

Basic rights of parents:

- To have your child receive a Free, Appropriate Public Education - FAPE
- To be a member of the team and attend meetings
- To understand documents you sign
- To pursue other options if you disagree
- To know and understand your rights

Rights of Parents in PSN

- To Receive Prior Written Notice (PWN)
aka Notice of Recommended Educational Placement (NOREP)/PWN
 - **In the language you understand**
 - **When you need to receive PWN**
- To a Fair and Accurate Evaluation of Your Child
- To Refuse Consent
 - **Initial evaluation or services**

Rights of Parents in PSN

- **To Receive an Independent Education Evaluation (IEE)**
 - **To Participate**
 - **Develop an education plan for your child**
 - **Share information and express opinions**
 - **Voice concerns**
 - **Open and mutual communication**
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Rights of Parents in PSN

- **To Mediate a Dispute**
 - **What mediation is**
 - **How to access more information**
 - the Office for Dispute Resolution (ODR)
 - PaTTAN
 - **To Keep Your Child in the Same Program While You Are Waiting for Mediation or a Hearing to be Completed**
 - **“Stay Put” protection – what it is**
 - **What parents must do to receive it**
-

Rights of Parents in PSN

- To Be Given a Hearing if You Disagree with the IEP the LEA has Offered for Your Child
 - **When to ask for a hearing**
 - **Due Process and your rights**
 - **How to request a due process hearing**

 - To See and Keep Private Your Child's Education Records
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Rights of Parents in PSN

- To File a Complaint Against Your LEA

 - To Special Protections in School Discipline
 - **Manifestation Determination**
 - **Offense involving drugs, weapons, or serious injury**
 - **Where to turn if you have questions**
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Rights of Parents in PSN

- To Know Your Rights if Your Child Attends a Private School
 - LEA's responsibility for private school tuition
 - Exceptions
 - To Unilaterally Withdraw Your Child from Special Education or Related Services
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Additional Information

- *Pennsylvania Parent Guide to Special Education for School Age Children*
 - BSE's ConsultLine
 - Organizations for training, advocacy, or education on rights:
 - **Statewide**
 - **Regional Advocacy Organizations**
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PSN Script

- Tool for LEA's to help present PSN
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PSN Letter

- Handout #2

The Procedural Safeguards Letter

How to Use the Parents' Rights Publication

When the Procedural Safeguards Notice is given . . . *at least one time per year, but also in conjunction with other events. Examples include:*

- IEP Meetings
- With each NOREP/PWN
- Upon request by a parent for evaluation
- With initial referral for evaluation
- Upon request by a parent for the PSN
- Upon receipt of first occurrence of filing of request for due process

How to Use the Parents' Rights Publication

Other opportunities for LEAs to present Parents' Rights publication:

- LEA's website
- PTA/PTO meetings
- Parent/Teacher conferences
- Other meetings with parents and school staff (e.g., Guidance Counselor)

How to Find the Parents' Rights Publication

- Visit www.pattan.net
- Click "Resources"
- Click "Publications"
- Type the Keyword "Procedural"
- View resource online or request hard copy

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DEPARTMENT OF EDUCATION

Bureau of Special Education
Pennsylvania Training and Technical Assistance Network

Edward G. Rendell
Governor

Gerald L. Zahorchak, D.Ed.
Secretary

Diane Castelbuono, Deputy Secretary
Office of Elementary and Secondary Education

John J. Tommasini, Director
Bureau of Special Education

Contact Information: Name of Consultant, Email address
www.pattan.net